

**REMARKS**

Applicants and the undersigned are most grateful for the time and effort accorded the instant application by the Examiner. Claims 1-20 were pending in the instant application at the time of the outstanding Office Action. Of these claims, Claims 1, 10, and 19 are independent claims; the remaining claims are dependent claims. Claims 1-20 stand finally rejected. The Office is respectfully requested to reconsider the rejections present in the outstanding Office Action in light of the following remarks.

**Rejections under 35 USC § 112**

Claims 1, 10 and 19 stand rejected under 35 USC §112, second paragraph, as being indefinite for failing to point out and particularly claim the subject matter which applicant regards as the invention. The Examiner asserts that the “claims describe selecting a label from a predefined set of descriptors further describing assigning a new label not present in pre-defined set of descriptors.” *Office Action*, pp. 2. The Examiner further asserts that the claimed limitations are contradictory because “it is unclear why labels are selected from a predefined set then not used.” *Id.* Applicants respectfully request reconsideration and withdrawal of these rejections for the at least the following reasons.

The claims actually recite, *inter alia*, “...wherein said assigning semantic, multimedia content-based labels comprises performing at least one of: *selecting a label from a predefined set of multimedia content descriptors*; and *assigning a new label not present in said pre-defined set of multimedia content descriptors*.” Claim 10 (emphasis

added). Thus, either a label is selected from a predefined set, or a new label (not in the predefined set) is assigned or both (i.e. a label from the predefined set and an additional label that is not in the predefined set). Therefore, Applicants respectfully submit that the claim language is not contradictory and request reconsideration and withdrawal of the rejections.

### **Rejections under 35 USC § 102**

Claims 1-20 stand rejected under 35 USC § 102(b) as being anticipated by Vegas (Vegas 2.0 Users Manual, 2000, Sonic Foundry, pgs 1-4111) (hereinafter “Vegas”). Applicants respectfully request reconsideration and withdrawal of this rejection.

Applicants briefly note that their previously submitted remarks of July 23, 2008 remain equally and are therefore incorporated by reference here. Moreover, Applicants respectfully submit that Vegas falls short of anticipating the instantly claimed invention for at least the following reasons.

As best understood, Vegas is directed to editing audio and video projects. The Vegas software manual cited lists innumerable ways in which one can edit video and audio. None of these processes appear directed to annotating audio and video multimedia.

For example, the Examiner cites the “transitions” of page 299 against the instant claims “annotations” or labels. Applicants respectfully submit that this is in error. To annotate means “to supply with critical or explanatory notes; comment upon in notes: *to annotate the works of Shakespeare.*” See <http://dictionary.reference.com/browse/annotate> (based on the Random House Unabridged Dictionary, Random House, 2006) (emphasis

in original). In stark contrast, “transitions” are not annotations but rather periods of time where the multimedia file changes (e.g. from one piece to another). See *Vegas*, pp. 299 (stating “The duration of a transition is automatically determined by the amount of overlap between two events...”); *see also* <http://dictionary.reference.com/browse/transition> (stating in definition #3, transition: “a passage from one scene to another by sound effects, music, etc., as in a television program, theatrical production, or the like.”). Applicants submit that “transitions” cited by the Examiner clearly fall short of the instantly claimed invention which is directed to an annotation tool. Applicants respectfully submit that Vegas as a whole is not directed to annotating multimedia files.

In summary, Applicants respectfully submit that the independent claims are clearly distinguishable from Vegas. Therefore, Applicants respectfully request reconsideration and withdrawal of the rejections using this reference.

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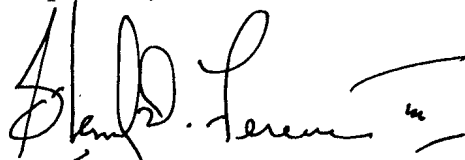
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**Conclusion**

In summary, it is respectfully submitted that the instant application, including Claims 1-20, is presently in condition for allowance. Notice to the effect is hereby earnestly solicited. If there are any further issues in this application, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Stanley D. Ference III", written over a horizontal line.

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